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SUBJECT: TIP EXPERT MOHAMED MATTAR DISCUSSES MALAYSIA'S NEW
LAW AND CONVEYS BEST PRACTICES

REF: A. KUALA LUMPUR 52 - SEEK U.S. SPEAKERS ON TIP
[1](#)B. 07 KUALA LUMPUR 1731 - CATHOLIC CHURCH ANTI-TIP
EFFORTS
[1](#)C. 07 KUALA LUMPUR 1730 - TIP ACTION PLAN DELIVERED
TO MALAYSIA

Summary

[1](#)1. (SBU) Dr. Mohamed Mattar, an internationally recognized expert on trafficking in persons (TIP) laws from John Hopkins University, conducted meetings with Malaysian government officials, local NGOs, universities, and with press during his January 28-February 1 visit to Kuala Lumpur. Dr. Mattar provided expert views on Malaysia's new anti-TIP law and methods for effectively implementing it. He reviewed the law's strengths, including two sections he deemed represented international best practices, and explored ways to approach victim protection. He met with officials at the Women's Ministry where he discussed best practices and models for operating TIP victims shelters. He also met with Department of Immigration officials where he identified training modules, best practices, and guidelines for identifying trafficking victims. At a seminar for NGOs, Mattar discussed the laws specific inclusion of NGOs on the National Anti-trafficking Council and encouraged NGOs to work constructively with the government. Immigration officials expressed interest in having Mattar speak at the next meeting of the "Bali Process," which will be held later this year. Following meetings with Mattar, a senior immigration official made the government's first public warning that employers found abusing foreign workers could be charged under the anti-trafficking law, and a government-influenced newspaper published a strong editorial reflecting Mattar's points. Mattar's visit illustrates Malaysian officials and civil society's active interest in expert advice on implementing the new anti-trafficking law, and Post will follow up on previous requests for Department support. End Summary.

Malaysia's new law

[1](#)2. (U) Mattar conveyed his evaluation of Malaysia's new anti-trafficking law, both strengths and weaknesses, during discussions with the government, NGOs, press, and at universities. Overall, he rated the law "excellent." He pointed out that Malaysia is only one of 37 countries with a comprehensive anti-TIP law. He said Sections 16 and 17 of the law merited recognition as international best practices. Section 16 states the consent of a trafficked person is irrelevant and cannot be used as a defense by a trafficker. Section 17 states that past sexual behavior of a victim is irrelevant and inadmissible. Mattar said he intended to

mention these two sections when he speaks at the Vienna Forum to Fight Human Trafficking in mid-February. Mattar identified aspects of the law covering victim protection that needed clarification. Specifically, he looked at the status of a victim and whether they were subject to Malaysia's immigration laws following the 90-day period during which a victim is protected and given shelter. He suggested that this could be clarified as the GOM approached the implementation of the law.

Mattar meets with government officials

¶3. (SBU) On January 31, Mattar met with Sharifah Zarah Syed Ahmad, Director General for the Department of Women's Development in the Women's Ministry, to talk about TIP shelter operations in relation to the new TIP law. Mattar offered to provide the Women's Ministry with best practices and models for operating TIP shelters. Sharifah expressed concern that the ministry lacked the capacity to collect data on trafficking and was considering using a contract expert to manage data collection. Mattar encouraged Sharifah to provide public reports on the ministry's anti-trafficking efforts. Sharifah informed Mattar that the ministry was concluding the third training workshop for designated shelter protection officers. (Note: Section 43 of the Anti-TIP law designated the Women's Ministry responsibility to provide protection officers at the shelters. End Note.) Sharifah welcomed Mattar's inputs and stated she was committed to pushing the ministry's efforts to open the shelters.

¶4. (SBU) Mattar also met with Wahid bin Mohamed, Director-General of Immigration and Ishak Haji Mohamed, Immigration's Enforcement Director. Wahid stated that

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immigration officers required training in TIP victim identification. He expressed interest when Mattar offer to provide a TIP training module to use during the initial training of new immigration officers at the Department's training facility at Port Dickson. Both Wahid and Ishak stated they wished to review international models and best practices. Wahid explained measures already taken to decrease the risk of trafficking. One measure is the introduction of the "I-Kad," an identification card for foreigners in Malaysia on student or work visas. The I-Kad will show legal status and allow freedom of movement within Malaysia even if an employer holds a migrant workers passport. The Immigration Department is also instituting biometrics to combat identification fraud. This will help combat trafficking as rescued victims returned to Indonesia along the Tebedu-Entikong border point are often re-trafficked by recruitment agents using fraudulent travel documents. The biometrics system will alert immigration officers to attempted re-entries. Both Wahid and Ishak were very interested in discussing trafficking with Mattar. Ishak suggested inviting Mattar to speak at the next "Bali Process" meeting, which Malaysia will host later this year. A few hours later, Ishak issued the government's first public warning that employers found abusing foreign workers could be charged under the new Anti-TIP law.

Taking the message to universities, NGOs, and the Press

¶5. (U) Mattar also shared his expertise with law students and academics at the University of Malaya and the National University of Malaysia. A representative of the Attorney General's Office joined the former event. At these talks, Mattar offered in-depth analysis of Malaysia's anti-TIP law and the implications for its implementation. He discussed the law's focus on preventing trafficking, prosecution of traffickers and the protection of trafficking victims, particularly in relation to Malaysia's labor statutes. Participants were particularly interested in Mattar's comparative analysis of varying anti-TIP modules and

international best practices.

¶6. (U) The Asia Foundation hosted a seminar for local NGOs involved with TIP victim protection. Participants included representatives from Malaysia's Human Rights Commission, which is drafting Malaysia's national anti-trafficking action plan and is occupies one of up to three seats on the national council reserved for non-governmental actors. Mattar praised the law's explicit inclusion of NGOs on the national council. He encouraged NGOs to work constructively with the government, especially in operating shelters and increasing victim protection.

¶7. (U) Mattar met with print and radio journalists regarding trafficking and Malaysia's new law. Shortly thereafter, on February 5, a newspaper closely aligned with government views, the New Straits Times, published an editorial on trafficking urging more government action. The editorial reflects the themes Mattar addressed throughout his visit and in his press encounter. In particular, the editorial argued that, "it is time to implement a national plan of action to trace and save the victims and prosecute and punish those who profit from their misery." We expect additional radio and print pieces on trafficking in the near future.

Comment

¶8. (SBU) Mattar's visit illustrated Malaysian officials and civil society's active interest in expert advice on implementing the new anti-trafficking law, and their receptivity to learning about international best practices. GOM agencies charged with implementing the TIP law recognize the technical expertise we have to offer and are willing to work with us if the approach is viewed as cooperative and not confrontational. Following Mattar's program, and the fruitful February 11-13 visit of G/TIP reports officer (septel), we have expanded opportunities to provide information, training material and expertise in critical areas such as victim identification, victim shelter operation and management, and law enforcement and prosecution. Embassy Kuala Lumpur wants to make the most of these opportunities and we will follow up on previous requests for Department support.

KEITH